

This ADMENDMENT is submitted in compliances of 714.12 listed below:

714.12 Amendments >and Other Replies< After Final Rejection or Action [R-3] - 700 Examination of Applications

714.12 Amendments >and Other Replies< After Final Rejection or Action [R-3]

37 CFR 1.116 Amendments and affidavits or other evidence after final action and prior to appeal.

(a) An amendment after final action must comply with § 1.114 or this section.

(b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title):

(1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action;

(2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or

(3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

(c) The admission of, or refusal to admit, any amendment after a final rejection, a final action, an action closing prosecution, or any related proceedings will not operate to relieve the application or reexamination proceeding from its condition as subject to appeal or to save the application from abandonment under § 1.135, or the reexamination prosecution from termination under § 1.550(d) or § 1.957(b) or limitation of further prosecution under § 1.957(c).

REMARKS

1. With regard to the examiners objection of the "Claims 13-25,) are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph".

a. Now claims 26-52 have been separated as individual claim reference to comply.

2. With regard to the examiners objection of the "The claim(s) are narrative in form and not replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present operative device. The claim(s) must be in one sentence form only. See MPEP 608.01."

a. Now claims 26-52 have been separated as individual claim reference and a claim in one sentence to comply.

b. The claims are now with definite language with the flow chart reference number included on claims 50 & 51.

3. With regard to the examiners objection of "The claims will be examined based on reasonable interpretation as best understood from the disclosures. Specific formatting [formatting/example] in the claims will be met are in Prior Art where prior art discloses the use of formatting languages in environments such as request for quotes."

- a. Kings patent has been abandoned and it does no infringe on my patent application.
- b. Other art described 'request for quotes' for stock or catalog parts only that are present in inventory. This application does 'request for quotes' for made to specifications of parts or service that is created for the buying or selling party.

4. With regard to the examiners objection of "Claims 13-25, as interpreted, are rejected under 35 U.S.C. 102(b) as being anticipated by King, US PG-PUB20020152133"

- a. Kings patent has been abandoned and it does no infringe on my patent application.
- b. See below for remarks about each individual claim rejections

5. With regard to the examiners objection of "As per claim 13, king discloses software method(s) for defining an E-commerce and portal systems (King, portal, as in paragraph 0080) for made to specification product and service companies that have options, where as Co a, Co b, Co c, and unlimited Companies can have stand alone e-Commerce compatible with the portal systems design (King, see Fig. 1 and text, for example)."

- a. My claim 13 (now replaced with 50 & 51). A software method for defining an E-commerce and portal systems for made to specification product manufactures and service companies that have options, where as Co a, Co b, Co c, and unlimited Companies can have stand alone e-commerce compatible with the portal systems design in this patent allowing quotes and orders to be priced with the defined methods that allows prospects with internet access to see a quoted price in real time instead of static forms with quote results emailed back to them in the stand alone mode or in the portal mode to allow the prospect to select which companies they want to quote and the prospect completes the option questions then the portal sends the Request For Quote-RFQ to selected Co a, Co b, Co c via Web Services with each company pricing the RFQ and sending the price back if all requested options are available otherwise a no bid via Web Services to the portal so it is displayed to the prospect in seconds, allowing the prospect to see all of the price quotes on one page, and then allowing selections as to whom the order is awarded to with the Companies Order number is sent back via web services to the prospect which will save businesses the man hours of manually processing the RFQ and sending it via e-mail as well as optimizing the prospects time of getting the quote on one page in seconds from multiple suppliers.

From <http://appft1.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PG01&p=1&u=/netahtml/PTO/srchnum.html&r=1&f=G&l=50&s1=20020152133.PGNR.&OS=DN/20020152133&RS=DN/20020152133>

- b. Rejection the complete Paragraph 0080 that examiner sites is listed below
[0080] To initiate an order, a registered buyer logs on to the marketplace 10, such as through the portal or website, using an industry standard Internet browser on any means available to access the Internet, such as a personal computer, hand held device, or mobile telephone. Once on the marketplace 10, the buyer selects the ordering function. The buyer then builds an order by selecting a previously stored order, accessing the on-line product catalog to build a new order, or a combination of both. The product catalog is a database of products provided by suppliers belonging to the marketplace 10. The buyer inputs the required fields, such as supplier, product type, quantity,

and delivery date, of an order template by using a "1 step process" or completing line item details of each item on the order. An order can contain multiple products from multiple suppliers. Additionally, the buyer can indicate whether the order is to be auto accepted if the response falls within an acceptable range. A buyer then submits the completed order, referred to as a "Req Check" or a Price and Availability (P&A) Check, as an XML message to the marketplace 10. Additionally, a buyer's Enterprise Resource Planning (ERP) system could perform the entire ordering process

c. **Rebuttal:**

- a. My unique patent application states "for made to specification product and service companies that have options" and King only allows user enters of "The buyer inputs the required fields, such as supplier, product type, quantity, and delivery date". My application allows user inputs that are the product options (King is only for stocked inventory items) where the option variables are defined in the XSD elements. My example fig 5 is for a sign shop to have a banner made with his desired words, would allow entry/selection of 10 items as shown:

Width Inches, Length in Inches,
Selection of the following: Banner Type, Vinyl
Color/Reflective, Mounting, Finish, Shipping mode,
Sales Tax yes or no, Layout to be supplied, and
Copy Line 1 (words to be printed on the banner).

b. King Fig 1

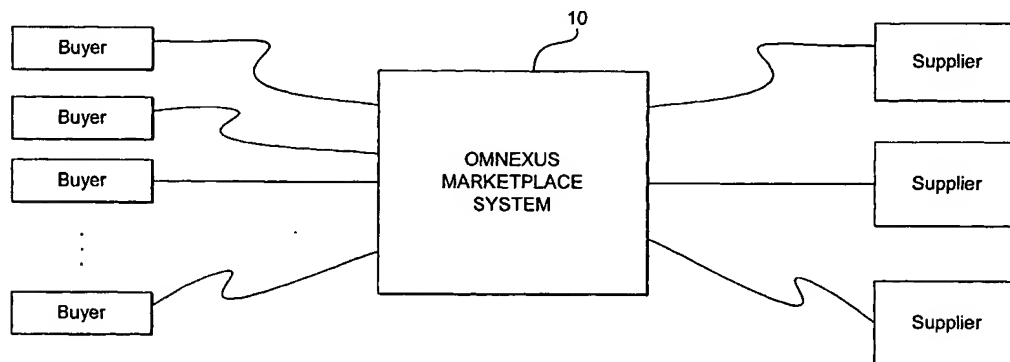
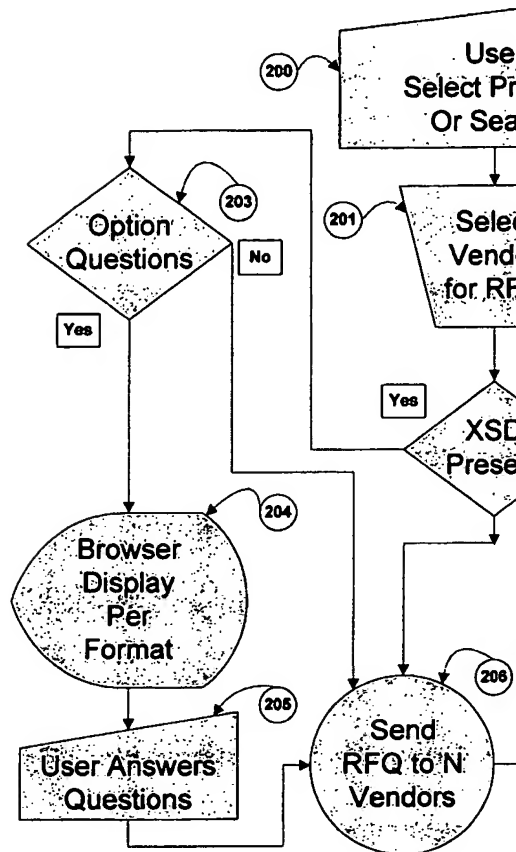


FIGURE 1

only shows connection of buyer and supplier with no communication of the requested product options that the buyer or seller desires.

Portal Processing



- c. My Fig 2 item (203) is unique and if options are involved with a Yes then to (204), (205) user answers questions or No then process (206).
- d. Kings states "product catalog is a database of products provided by suppliers" therefore the buyer does not have any ability to state the size of a banner with the copy they want printed on the banner.
- e. I searched Kings for 'options' finding 5 occurrences '**options**' as to who receives the goods" in 0004, "automation **options**. One **option** that the marketplace provides to buyers is the **option** to Auto-Submit orders. If this **option** is selected **option** allows an order" in 0011, "**options** may be selected individually or in any combination in order to expedite the processing of orders" in 0011 of his system design and nothing to do with product options.
- f. I searched Kings for 'service' and did not find any reference to options related to services. An example of service would be a buyer of service wanting to ship his car from Chicago, IL to Tampa, FL that has options of From & to Zip Code, Does the Vehicle run, and round trip or one way.
- d. It is requested that the Examiner reconsider the rejection and allow old claim 13 now replaced with claim 51 and 52 (see new claims).

6. With regard to the examiners objection of "As per claim 14, King discloses software method(s) for defining an E-commerce and portal systems for product Specifications utilizing option variable questions to automatically generate a prospects user e-Commerce screen that is connected to the internet or intranet, derived from an XML Schema Definition-XSD (maintained standard by W3C) file indicates as a given

implementation such as Document Type Definition-DTD files, or other new industry schemas as defined as following: [formatting/example], See King, at least paragraph 0071 and references to other defined protocols.

a. My claim 14.

14. (Changes as noted) A ~~software~~ method for defining an E-commerce and Portal systems for product specifications utilizing option variable questions to automatically generate a prospects user e-Commerce screen that is connected to the internet or intranet, derived from an XML Schema Definition-XSD (maintained standard by W3C) file indicated as a given implementation of just one schema and any other applicable schema's file name can be used in other implementation such as Document Type Definition-DTD files, or other new industry schemas.

~~a) to j)~~

b. Rejection the complete Paragraph 0071 that examiner sites is listed below

[0071] Similarly, the same types of networks that deliver information to TV products may also deliver information to desk-top computers. It should be understood that the types of networks mentioned above with respect to the products are just examples and that other existing as well as future-developed networks may be employed and are encompassed by the invention. The communications between customers and the marketplace 10 involves not only HTML but also XML, WAP, HDML, and other protocols.

c. **Rebuttal:**

- a. The following searches on words could not be found.
- b. I searched King for 'XSD' and did not find it anywhere in the text or diagrams.
- c. You state 'for product Specifications utilizing option variable questions to automatically generate a prospects user e-Commerce screen that is connected to the internet or intranet, derived from an XML Schema Definition-XSD' see above 5.c.e for rebuttal on options.
- d. The use of automatically found in Kings abstract 'automation and expedition in the ordering process by automatically submitting orders upon confirmation of the requisition check and by automatically accepting orders.' is different in that a requisition check (for inventory) has nothing to do with generating a screen from the XSD that defines the options for the prospect.
- e. In 11 [0011], [0082], [0084], [0095], [0100], [0107], [0122], [0128], [0147], & several other 'automatically accept the order' is not any infringement as it relates to system options processing not to product options variables.

d. It is requested that the Examiner reconsider the rejection and allow claim 14.

7. With regard to the examiners objection of "As per claim 15, King disclosed that by repeating the elements in the XSD to achieve unlimited elements option specifications product option questions. Inherent in XML."

a. My Claim 15.

15. (Changes as noted) The method as set forth in claim 14 wherein that by repeating the elements in the XSD to achieve unlimited elements option specifications product option questions with recursive programming parsing each element.

b. Rebuttal.

- a. Search within the whole King document for 'XSD' does not find any reference to XSD. Search within the whole document for 'element' does not find any reference to element.
- b. As for option and specifications previously stated in 5.c.e that King does not address product options specifications.
- c. King does not have separate elements for the multiple options of the product.
- c. It is requested that the Examiner reconsider the rejection and allow claim 15.

8. With regard to the examiners objection of "As per claim 16, King discloses that option selections will have user definable cross checking between XSD option element selections, the option selections having user definable cross checking between elements selections, as an example [formatting/example]. Inherent in XML.

a. My Claim 16.

16. (Changes as noted) The method as set forth in claim 14 wherein that option selections will have user definable cross checking between XSD option element selections, ~~the option selections having user definable cross checking between elements selections,, as an example~~

~~<relations>~~

~~<exact element="CouponID" value="psc#1" errormessage="12 Your coupon ID is not valid" />~~

~~</relations>~~

Fixed beginning tag <relations>,

Fixed beginning tag Said selections selected from the group consisting of Six (6) allow types consisting,

<exact element=", or <minInclusive or <minExclusive or <maxInclusive or <maxExclusive or <pattern,

the attribute for an existing element name CouponID" value=,

the attribute for the screen error message words that varies for each subelement within the product category "psc#1" errormessage=" 12 Your coupon ID is not valid
",

Fixed ending tag />,

Fixed ending tag </relations>.

a) to f)

b. Rejection no section cited.

c. Rebuttal.

- a. Search within the whole document for 'XSD' does not find any reference to XSD. Search within the whole document for 'element' does not find any reference to element.
- b. As for option and specifications previously stated in King does not address product options specifications.
- c. King does not have separate elements for the multiple options of the product.
- d. It is requested that the Examiner reconsider the rejection and allow claim 16.

9. With regard to the examiners objection of "As per claim 17, King discloses that E-commerce system further processes the option specifications for the product utilizing the XSL file the ability of math to

compute result fields back into the e-commerce product: [formatting/example]. See at least paragraph 0122 and other references to common order process.

a. My claim 17.

17. (Changes as noted) A ~~software~~ method wherein E-commerce system further processes the option specifications for the product utilizing ~~the XSL file the ability the~~ Extensible Stylesheet Language Family-XSL file the ability of math to compute result fields back into the e-commerce.

a) to d)

b. Rejection the complete Paragraph 0122 that examiner sites is listed below

[0122] The order process 30 accommodates the ordering preferences of both the buyers and suppliers. In general, the ordering process can range from a repeat order process to a negotiation centric order process. A repeat order process describes the common order process where the buyer and supplier have a long standing business relationship. Products are purchased repeatedly and both parties try to lower transaction costs. The marketplace 10 provides the mechanism to keep the transaction cost low, such as through the Auto-Accept and Auto-Submit options which help to automatically create orders. If a buyer enables both of these options and a supplier is back-end integrated to the marketplace 10, the transaction costs can be minimized. The negotiation centric order process focuses on the negotiation side of purchasing. A buyer either wants to get new or updated quotes from its supplier, purchase a new product, or establish a business relationship with a new supplier. The marketplace 10 provides mechanisms for this kind of transactions. The initial negotiation between the parties can occur on the requisition check level which allows buyers to get quotes from multiple suppliers. Additional negotiations can then occur on the order change level where both the buyer and supplier have the chance to request change orders. If the counter party cannot respond to such a proposal exactly, negotiation can be expanded.

c. **Rebuttal**

- a. Cost that King related to 'transaction cost low, such as through the Auto-Accept and Auto-Submit options' is overall processing cost not the price listed in b below.
- b. As stated before King does not have product options so the claim does not infringe as King does not have options with values that math can be applied to compute; Selling price, Shipping cost, Sales tax, and other intermediate computational values.
- c. Search in King for 'XSL' did not find it.
- d. Search in King for 'math' did not find it.

d. It is requested that the Examiner reconsider the rejection and allow claim 17.

10. With regard to the examiners objection of "As per claim 18, King discloses File upload: The input allows for the location of a local computer file to be uploaded to the server to a designated location [formatting/example] see Fig. 1 and related text, for example, which show transmission to other computers at specific network addresses."

a. My claim 18.

18. (Changes as noted) The method as set forth in claim 14 wherein for **File upload:** of graphic image files required for the production of the product the input allows for the location of a local computer file to be uploaded to the server to a designated location:

a) **Upload URL:** Location on the web server directory via ftp, ~~as an example~~

c:/webhost4life/aspnet/sriflcom/www_devstore/InputProductImages/ straight directory upload, and

for ftp://PSCFTPData:LogOnID@ftp.srifl.com/DataPath/;

b) **Upload temp URL:** The temp directory is specified as to where the file is placed until final check then it is put in the next location, ~~as an example~~

c:/webhost4life/aspnet/sriflcom/www_devstore/InputProductImages/temp.

b. Rebuttal

- a. See 5.c.b for Fig 1 which states nothing about transfer of product option image files from a computer to a server.
- b. King In[0055] FIG. 42 is an example of an interface for uploading total order files to the marketplace which is totally different then uploading product option graphic files.
- c. King In'[0142] UltraLite integration relies on the inherent capability of ERP systems 14 and 16 to generate customized flat file exports of orders. The marketplace 10 provides buyers with the capability for the secure automatic uploading of files to the marketplace 10. This level of integration eliminates double entry required by a browser-based marketplace approach. In combination with the marketplace 10, a buyer gets the productivity of automatic order upload, the sophisticated alternative processing of an on-line marketplace to multiple suppliers, and the management of exception handling when a supplier responds with an alternative to the original request.' My patent application allows upload of graphic images that are required to use in the production of the order item. King is uploading flat file that have been extracted from other systems to reduce data entry keystrokes.

c. It is requested that the Examiner reconsider the rejection and allow claim 18.

11. With regard to the examiners objection of "As per claim 19, King discloses that for indication of an element being a [formatting/example]. See King, Fig 36H and other examples of displaying elements on a web page.

[0187] FIG. 48(B) provides an example of an invoice summary page for the supplier. From this summary page, the supplier can review invoices in basket, credit memos, filed invoices, scheduled payments, invoices awaiting approval, paid invoices, as well as informational documents. Upon selecting one of the invoices, such as invoice 803809, the supplier can view the invoice in greater detail, as shown in FIG. 48(C). The adjustments that have been made in the amount billed can be viewed in a summary form in FIG. 48(D) and the supplier can make an adjustment in an amount by selecting one of the items, at which time the supplier will receive the interface shown in FIG. 48(E). Finally, the supplier can receive a settlement view in the interface shown in FIG. 48(F).

FIGURE 48(B)

FIGURE 48(E)

c. Rebuttal

a. King is processing post payment of the order after shipment in the indicated figures and my application does not cover any post processing of orders. My application is pre processing before the order is accepted.

e. My application is processing any of many checking that is included and if only one (1) or more fails the final checkout will not proceed.

e. It is requested that the Examiner reconsider the rejection and allow claim 20.

13. With regard to the examiners objection of "As per claim 21, King discloses that for each option is contained in an element definitions for standalone and for the Portal access additional subset <xs:annotation> within each element of the e-commerce system, allowing in the Portal the prospects to select by the subset options without forcing in house namespace. See King, paragraph 0004, for example, concerning displaying and selecting multiple options.

a) My Claim 21.

21. (Changes as noted) The method as set forth in claim 14 wherein for each product option is contained in an element definitions for standalone and for the Portal access additional subset <xs:annotation> within each element of the e-commerce system, allowing in the Portal the prospects to select by the subset product options without forcing in house namespace labels as an example

beginning tag <m2specsXMLelID>,
the attribute 'QuoteOrderType',
Fixed ending tag </m2specsXMLelID>.

b) Rejection the complete Paragraph 0187 that examiner sites is listed below

[0004] Many of the exChanges described in these patents are of limited practical use. In theory, suppliers have an infinite amount of goods to provide and buyers can use these exChanges to find the lowest price. In reality, however, many additional factors must be considered in a complicated relationship between a buyer and seller of goods. The buyer needs to use goods for a particular purpose and may or not have some flexibility in the types of goods that it is willing to receive. In addition to the type of goods, the buyer may have a timeline when the goods must be received. On the other hand, the supplier typically has a limited quantity of goods that it can deliver and may be considering multiple options as to who receives the goods in a given time interval. These and other real-world factors often are not sufficiently addressed within on-line marketplaces. As a result, many of these on-line marketplaces do not provide a practical solution.

c. Rebuttal

As already stated before King does NOT process product options therefore no infringements exist.

d. It is requested that the Examiner reconsider the rejection and allow claim 21.

14. With regard to the examiners objection of "As per claim 22, King discloses system-defined allowed number of suppliers that a prospect can select to provide quotes via Web Services. King, paragraph 0117".

a. My Claim 22.

22. (Changes as noted) The method as set forth in claim ~~13~~ 52 wherein for a system defined allowed number of suppliers that a prospect can select to provide quotes via Web Services.

b. Rejection the complete Paragraph 0187 that examiner sites is listed below

[0117] In general, with either the buyer initiated or supplier initiated change order processes 40, once a change request is initiated the receiving party can choose to accept, to decline, or to send a counter proposal. Each party is limited to just one opportunity to send a counter proposal. If a counter proposal is made, the initiating party can only accept or decline it. If further negotiations are required, the parties will need to create a new change request and restart the change order process 40.

c. Rebuttal

a. King state "limited to just one opportunity to send a counter proposal" which is not the same as "system defined allowed number of suppliers that a prospect can select to provide quotes". This is comparing apples to oranges and not an infringement.

d. It is requested that the Examiner reconsider the rejection and allow claim 22.

15. With regard to the examiners objection of "As per claim 23, King discloses the returned quoted price via web services is displayed to the prospects screen with the ability to select the supplier to award the contract. King, paragraph 0011, for example.

a. My Claim 23.

23. (Changes as noted) The method as set forth in claim ~~13~~ 52 wherein for the returned quoted price via web services is displayed to the prospects screen with the ability to select the supplier/buyer to award the contract/seller.

b. Rejection the complete Paragraph 0011 that examiner sites is listed below

[0011] In the ordering process, the marketplace provides buyers with various automation options. One option that the marketplace provides to buyers is the option to Auto-Submit orders. If this option is selected, then an order will be automatically submitted by the marketplace if the supplier confirms the price and availability of requested goods. An Auto-Accept option allows an order to be processed as requested with the price and quantity of goods or with a best alternative. An order can also be accelerated by permitting those items that have been accepted by the suppliers to be placed in one order and the remaining items which are awaiting supplier approval to be placed in a second possible order. These options may be selected individually or in any combination in order to expedite the processing of orders according to the desires of the customers.

c. Rebuttal

a. King states a system processing 'option to Auto-Submit orders' that allows the order to be automatically accepted which is different from displaying multiple quotes.

b. My application as shown in Fig 9 a mockup (that image only shows one (1) company quoting but many are allowed) that will display the price on one screen from multiple vendors then the prospect can select the vendor they want to award the order to.

d. It is requested that the Examiner reconsider the rejection and allow claim 23.

16. With regard to the examiners objection of "As per claim 24, King discloses that portal mode that allows for the prospect continues on to the awarded supplier's e-commerce site for completion of credit processing information to consummate the commerce transaction. In King, see figs. 48a-48F and related text, for example.

a. My Claim 24.

24. (Changes as noted) The method as set forth in claim ~~13~~ 51 wherein the portal mode that allows for the prospect continues on to the awarded supplier's e-commerce site for completion of credit processing information to consummate the commerce transaction.

b. Rebuttal

a. King is processing post payment of the order after shipment in the indicated figures and my application does not cover any post processing of orders.

b. King allows 'adjustment in an amount ... interface shown in FIG. 48(E). Finally, the supplier can receive a settlement view in the interface shown in FIG. 48(F).' whereas my application is a made to specification and pre payment is required if no terms are allowed.

c. It is requested that the Examiner reconsider the rejection and allow claim 24.

17. With regard to the examiners objection of "As per claim 25, King discloses wherein for the portal will retain element options selected history information of the transactions."

a. My Claim 25.

25. (Changes as noted) The method as set forth in claim ~~13~~ 51 wherein for the portal will retain element product options selected history information of the transactions.

b. Rejection the complete Paragraph 0150 that examiner sites is listed below (and 0151 that

[0150] K. Audit/Reconcile

[0151] An audit/reconcile process 200 will now be described in more detail with reference to FIG. 27. At the time of an order, the marketplace 10 reconciles the order with the contract for product, price, and quantity and also with the demand forecast. The marketplace 10 then generates process exception reports which are forwarded to the buyer and supplier. At the time of delivery, the marketplace 10 reconciles the delivery with the orders for product and quantity and generates exception reports which are forwarded to the buyer and supplier. Finally, at the time of payment, the marketplace 10 reconciles the invoice with the contract, orders, and receipt of materials. The marketplace 10 also reconciles any payments that have been made and generates exception reports to the buyer and supplier.

c. Rebuttal

a. As already stated King does on process product element options therefore no infringements exist.

b. King is processing post payment of the order after shipment in the indicated figures and my application does not cover any post processing of orders.

d. It is requested that the Examiner reconsider the rejection and allow claim 25.

18. Allow Old 14 a) to 14 j) now moved to 26 to 36 as New claims. It is requested that the Examiner reconsider the rejection and allow claim 26 to 36.

19. Allow Old 16 a) to 16 f) now moved to 37 to 46 as New claims. It is requested that the Examiner reconsider the rejection and allow claim 37 to 46.

20. Allow Old 17 a) to 17 d) now moved to 47 to 50 as New claims. It is requested that the Examiner reconsider the rejection and allow claim 47 to 50.

Accordingly, Applicant therefore respectfully request withdrawal of the 35 U.S.C. 112, second paragraph rejection.

Conclusion:

Applicant has made a concerted effort to meet the objections raised by the Examiner with this amendment and previous rebuttal showing that no infringements exist.

Applicant respectfully request reconsideration of all pending claims in light of the arguments and amendments discussed above & previously submissions. Applicant respectfully request a Notice of Allowance for all pending claims as they patentably define over the cited art.

Should a phone conference be helpful to resolve any issues, the Examiner is requested to call the applicant at 850-230-5601.

Respectfully submitted,
Applicant

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3/21/2008
Date

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Encl: Status of Claims 13-52 8 sheets

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